

### **REMARKS**

In the Office Action mailed February 9, 2007, ***which has now been vacated***,<sup>1</sup> the Examiner indicated that claims 1-9 were "presented for examination." (Paper No. 20070105 at 2). The Examiner was ***mistaken***. Claims 1-9 that the Examiner examined and rejected were ***not*** pending. Rather, claims 1-6 attached to the International Preliminary Examination Report, ***are the claims pending*** in this application, and ***those*** are the claims that should have been examined. Acknowledging the error, the Examiner in the Interview Summary<sup>2</sup> instructed that we again present prior pending claims 1-6 as so-called "new" claims 10-15 in this Supplemental Preliminary Amendment. Support for claims 10-15 presented here is found, for example, in original claims 1-6 of the International Preliminary Examination Report and in the specification at, for example, pages 1-2. See *In re Gardner*, 177 USPQ 396, 397 (CCPA 1973) and MPEP §§ 608.01(o) and (l) (8<sup>th</sup> ed. Rev. 5, August 2006, pp. 600-92 and 600-84).

It is submitted that no new matter has been introduced by the foregoing amendments. Approval and entry of the amendments are respectfully solicited.

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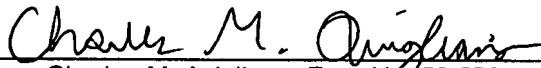
<sup>1</sup> Vacated by Examiner Interview Summary dated August 1, 2007.

<sup>2</sup> We note that the August 1, 2007 Interview Summary was given the same paper number, 20070105, as the February 9, 2007 Office Action. Accordingly, we refer to the Interview Summary by its description rather than its "Paper No."

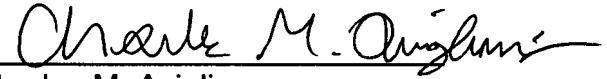
Application No.: 10/528,899  
Amendment Dated: August 6, 2007  
Reply to Office Action Dated: February 9, 2007

Accordingly, for the reasons set forth above, entry of the amendments and allowance of the claims are respectfully requested. If the Examiner has any questions regarding this paper, please contact the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box. 1450 Alexandria, VA 22313-1450, on August 6, 2007.

  
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Respectfully submitted,

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